

# **EXHIBIT 3**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION

VIRTAMOVE, CORP., ) Case No.  
Plaintiff, ) 7:24-CV-00030-DC-DTG  
VS. )  
AMAZON.COM, INC.; AMAZON.COM ) Pages 1-75  
SERVICES LLC; AND AMAZON )  
WEB SERVICES, INC., )  
Defendants. )  
\_\_\_\_\_ )

ATTORNEYS' EYES ONLY

\* \* \* \* \*

REMOTE/ZOOM VIDEOTAPED DEPOSITION OF THE FEDERAL  
RULE 30(b)(6) WITNESS FOR THE AMAZON DEFENDANTS AND  
IN HIS PERSONAL CAPACITY:

MATS LANNER

THURSDAY, SEPTEMBER 5, 2024

2:00 P.M.

Reported by: LINDA NICKERSON

CSR No. 8746

Page 1

1 Videotaped deposition of MATS LANNER, the  
2 witness, taken on behalf of the Plaintiff, on  
3 THURSDAY, SEPTEMBER 5, 2024, 2:00 p.m., utilizing  
4 Veritext Virtual Remote Technology, Seattle,  
5 Washington, before LINDA NICKERSON, CSR No. 8746,  
6 pursuant to NOTICE.

7  
8 APPEARANCES OF COUNSEL:

9 FOR PLAINTIFF:

10 RUSS, AUGUST & KABAT  
11 BY: QI (PETER) TONG, ESQ.  
12 4925 Greenville Avenue  
13 Suite 200  
14 Dallas, Texas 75206  
15 (310) 826-7474  
16 ptong@raklaw.com

17  
18 FOR DEFENDANTS:

19 KNOBBE, MARTENS, OLSON & BEAR, LLP  
20 BY: LOGAN P. YOUNG, ESQ.  
21 925 4th Avenue  
22 Suite 2500  
23 Seattle, Washington 98104  
24 (206) 405-2000  
25 logan.young@knobbe.com

1 APPEARANCES OF COUNSEL (Continued) :

2  
3 FOR DEFENDANTS :

4 KNOBBE, MARTENS, OLSON & BEAR, LLP

5 BY: JEREMY A. ANAPOL, ESQ.

6 2040 Main Street

7 Fourteenth Floor

8 Irvine, California 92614

9 (949) 760-0404

10 jeremy.anapol@knobbe.com

11  
12 ALSO PRESENT :

13 RON LAZO (Videographer)

I N D E X

WITNESS	EXAMINATION	PAGE
MATS LANNER		
	By Mr. Tong	6
	By Mr. Young	67

E X H I B I T S

NUMBER	PAGE	DESCRIPTION
Exhibit 1	9	Declaration of Mats Lanner in Support of Defendants' Motion to Dismiss or Transfer
Exhibit 2	41	Plaintiff VirtaMove, Corp.'s Amended Notice of Rule 30(b)(6) Deposition of Amazon Defendants
Exhibit 3	46	Defendants' Motion to Dismiss or Transfer
Exhibit 4	52	Defendants' First Supplemental Objections and Responses to Plaintiff's First Set of Interrogatories Related to Venue (1-12)

1 THURSDAY, SEPTEMBER 5, 2024, 2:00 P.M.

2

3 THE VIDEOGRAPHER: We are now on the

4 record. The time is 2:00 p.m. Pacific Daylight Time 02:00:10

5 on September 5th, 2024. 02:00:14

6 This deposition is being conducted 02:00:17

7 virtually. Please silence all phones and PC 02:00:18

8 notifications as this can interfere with the 02:00:22

9 deposition audio. 02:00:25

10 Audio and video recording will continue to 02:00:27

11 take place unless all parties agree to go off the 02:00:29

12 record. 02:00:32

13 This is Media Unit One of the 02:00:33

14 video-recorded deposition of Mats Lanner taken by 02:00:36

15 counsel for the plaintiff in the matter of VirtaMove 02:00:40

16 Corporation versus Amazon.com, Incorporated, et al., 02:00:43

17 filed in the United States District Court for the 02:00:49

18 Western District of Texas. The case number is 02:00:52

19 7:24-CV-00030-DC-DTG. 02:00:56

20 The court reporter is Linda Nickerson from 02:01:07

21 Veritext. The videographer is Ron Lazo from 02:01:09

22 Veritext. 02:01:12

23 Counsel, please state your appearances and 02:01:13

24 affiliations for the record beginning with the 02:01:15

25 noticing attorney. 02:01:18

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1 MR. TONG: This is Peter Tong on behalf of 02:01:19  
2 the Plaintiff VirtaMove Corporation from Russ, 02:01:22  
3 August & Kabat. 02:01:25

4 MR. YOUNG: This is Logan Young from 02:01:27  
5 Knobbe, Martens, Olson & Bear on behalf of 02:01:30  
6 defendants and the witness. With me is Jeremy 02:01:32  
7 Anapol, also from Knobbe Martens. 02:01:36

8 THE VIDEOGRAPHER: Will the court reporter 02:01:38  
9 please swear in the witness. 02:01:41

10

11 MATS LANNER,  
12 having been first duly sworn, was  
13 examined and testified as follows:

14 02:01:55

15 THE VIDEOGRAPHER: Please begin, Counsel. 02:01:55

16

17 EXAMINATION

18 BY MR. TONG:

19 Q All right. Thank you. Mr. Lanner, did I 02:01:57  
20 get that pronunciation right? 02:01:59

21 A Sure. 02:02:04

22 Q Have you ever been deposed before? 02:02:04

23 A No. 02:02:06

24 Q So this is your first deposition? 02:02:06

25 A It is indeed. 02:02:12

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1 Q Okay. Well, I'll go through a few ground 02:02:13  
2 rules with you then. 02:02:15  
3 So during this deposition, I'm going to ask 02:02:16  
4 you a series of questions, and you must answer them 02:02:19  
5 truthfully under the penalty of perjury. 02:02:22  
6 Do you understand that? 02:02:26  
7 A I do. 02:02:27  
8 Q Your attorney may object from time to time, 02:02:28  
9 but you will still be obligated to answer the 02:02:32  
10 question unless he directly tells you not to answer. 02:02:34  
11 Do you understand that? 02:02:39  
12 A I do. 02:02:40  
13 Q So there's no judge here today, but this is 02:02:41  
14 a formal proceeding just like testifying in court, 02:02:44  
15 and you're under the same obligation to tell the 02:02:48  
16 truth, the whole truth, and nothing but the truth. 02:02:50  
17 Do you understand that? 02:02:52  
18 A I do. 02:02:56  
19 Q If for any reason you do not understand one 02:02:57  
20 of my questions or if you think it is ambiguous, you 02:03:00  
21 should feel free to say so and I will rephrase 02:03:03  
22 that -- the question. 02:03:07  
23 Is that fair? 02:03:07  
24 A That sounds good. 02:03:08  
25 Q Okay. Before this transcript is going to 02:03:09

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1 employees in Santa Clara and San Francisco. 02:30:05

2 A There are a small number of affiliated 02:30:07

3 people working on Fargate from a marketing 02:30:14

4 perspective in the Bay Area. 02:30:16

5 Q Do you have an estimate of that small 02:30:21

6 number? 02:30:23

7 MR. YOUNG: Objection; calls for 02:30:24

8 speculation. 02:30:25

9 THE WITNESS: I believe it's two. 02:30:25

10 BY MR. TONG: 02:30:30

11 Q Do any AWS employees work in Texas? 02:30:30

12 A Well, I know we have AWS offices in Texas, 02:30:47

13 so yes. 02:30:53

14 Q In terms of a head count of the employees 02:30:56

15 at those AWS offices, do you have an estimate? 02:31:03

16 MR. YOUNG: Objection --

17 THE REPORTER: I'm sorry. What was the 02:31:12

18 objection? 02:31:13

19 MR. YOUNG: Calls for speculation. 02:31:13

20 THE REPORTER: I didn't get an answer. 02:31:21

21 THE WITNESS: Sorry. I do not. 02:31:23

22 BY MR. TONG: 02:31:24

23 Q Did you perform any investigation into the 02:31:24

24 quantity of employees of AWS who work in Texas? 02:31:40

25 MR. YOUNG: Objection; privileged. 02:31:45



1 we tracked, these were the two ones. 02:52:29

2 BY MR. TONG: 02:52:31

3 Q And how do you know that these were the 02:52:31

4 only two projects that were tracked? 02:52:36

5 A That's the information I got from Ellen. 02:52:40

6 Q In paragraph 9 of your declaration, can you 02:52:44

7 turn to that and let me know when you're there. 02:52:58

8 A Yep. 02:53:04

9 Q About midway through the paragraph, it 02:53:04

10 says, "I understand from colleagues at Amazon that 02:53:08

11 WorkDocs is hosted in Oregon and the wiki is hosted 02:53:12

12 in Oregon and Northern Virginia." 02:53:16

13 Do you see that? 02:53:22

14 A I do. 02:53:22

15 Q Which colleagues informed your 02:53:25

16 understanding of that? 02:53:27

17 A I don't remember their name off the top of 02:53:28

18 my head to be honest. 02:53:35

19 Q What were their roles at Amazon? 02:53:48

20 A I honestly don't remember. 02:53:50

21 Q What do you remember from your discussion 02:54:04

22 with the colleagues who informed you of the location 02:54:08

23 of WorkDocs and the wiki? 02:54:11

24 A The wiki is just general knowledge within 02:54:13

25 Amazon that we have it hosted in two regions. 02:54:21

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1 WorkDocs, it could have been any number of 02:54:25  
2 conversations, including possibly the AWS ops 02:54:31  
3 meeting. 02:54:35  
4 Q What is an AWS ops meeting? 02:54:36  
5 A Every week we review operations of services 02:54:43  
6 across AWS. Every week distinct AWS service 02:54:47  
7 presents how they operate. 02:54:54  
8 Q If we could turn to paragraph 11 of your 02:54:55  
9 declaration. 02:55:06  
10 A Yep. 02:55:09  
11 Q It says, "I understand from my colleagues 02:55:09  
12 at AWS that two members of the marketing team 02:55:11  
13 responsible for ECS work in the San Francisco Bay 02:55:15  
14 Area and one works in Seattle." 02:55:18  
15 Do you see that? 02:55:21  
16 A I do. 02:55:22  
17 Q Which colleagues informed your 02:55:24  
18 understanding of this sentence in your declaration? 02:55:27  
19 A That would be the persons themselves. 02:55:30  
20 Q So you spoke with two members of the 02:55:35  
21 marketing team in the San Francisco Bay Area? 02:55:46  
22 A Yes, we have meetings. We do small talk 02:55:51  
23 and, hey, where are you based. 02:55:57  
24 Q Okay. And you personally spoke with one of 02:56:00  
25 them who works in Seattle? 02:56:04



1 MR. YOUNG: Objection; privileged and it 02:57:45  
2 also calls for a legal conclusion, so relevance. 02:57:47  
3 Mats, you can answer to the extent it's not 02:57:50  
4 revealing communications with counsel. 02:57:53  
5 THE WITNESS: Well, like I said, it was 02:58:01  
6 just general small talk. 02:58:05  
7 BY MR. TONG: 02:58:06  
8 Q When did these talks happen? 02:58:06  
9 A It would have been between March and 02:58:11  
10 August. I don't remember my calendar to that level 02:58:19  
11 of detail. 02:58:22  
12 Q March of 2024 and August of what year? 02:58:24  
13 A August of 2024. 02:58:28  
14 Q So if we turn to the bottom, it looks like 02:58:30  
15 you signed this on the 29th day of May. 02:58:43  
16 Do you see that? 02:58:47  
17 A I do. 02:58:51  
18 Q So this conversation would have actually 02:58:52  
19 taken place between March and May? 02:58:54  
20 A That would seem to be reasonable. 02:58:59  
21 Q Did you make any effort to talk to -- to 02:59:02  
22 find members of the AWS marketing team responsible 02:59:12  
23 for ECS work elsewhere? 02:59:16  
24 MR. YOUNG: Objection; privileged. 02:59:19  
25 Again, Mats, you can answer without 02:59:20

1 revealing communications with counsel. 02:59:22

2 THE WITNESS: I've only met them through 02:59:24

3 unrelated meetings. So that's how I know that they 02:59:30

4 exist. 02:59:34

5 BY MR. TONG: 02:59:40

6 Q Did you make any effort to do a 02:59:40

7 comprehensive search of all members of the AWS 02:59:44

8 marketing team responsible for ECS work? 02:59:49

9 A It's a very small team. So I've met 02:59:52

10 everyone on it. 03:00:03

11 Q How big is that team? 03:00:04

12 A It is literally the three people we talked 03:00:05

13 about here. 03:00:07

14 Q And there's no one else on the team? 03:00:10

15 A No, I mean there are supporting people, but 03:00:12

16 these are the three people that are responsible for 03:00:21

17 ECS. 03:00:23

18 Q To be clear, these are the only three 03:00:25

19 people that are responsible for ECS marketing? 03:00:29

20 A Correct. 03:00:31

21 MR. TONG: We can set this document aside 03:00:44

22 for now. 03:00:46

23 I'm going to share the next exhibit -- 03:00:52

24 MR. YOUNG: Peter, I think now would be a 03:01:05

25 good time. We've been going about an hour. 03:01:08

1	A	That is correct.	03:11:42
2	THE REPORTER:	Thank you.	03:11:44
3	BY MR. TONG:		03:11:46
4	Q	Is there a sales or marketing team who is	03:11:46
5		involved in the sales operations or marketing of	03:12:00
6		ECS?	03:12:02
7	A	Yes.	03:12:02
8	Q	Is there a name?	03:12:05
9	A	Well, there's a sales org. There's a sales	03:12:16
10		support organization, and there's a marketing	03:12:21
11		organization. I don't know their formal names. We	03:12:24
12		refer to them by abbreviations.	03:12:29
13	Q	What are the abbreviations?	03:12:35
14	A	So WWSO is the sales support org.	03:12:37
15	Q	Do you know how many people are included in	03:12:49
16		WWSO?	03:12:51
17	A	I know that there are three people there	03:12:53
18		that I work with at ECS.	03:12:55
19	Q	And were those the people identified in	03:12:57
20		paragraph 11 of your declaration?	03:13:03
21	A	No, those are the marketing folks.	03:13:06
22	Q	Is there an abbreviation for the marketing	03:13:19
23		team?	03:13:26
24	A	Not that I know of. I just refer to them	03:13:28
25		as the sales team and the marketing team.	03:13:32



1 Q And the marketing team is the team that you 03:13:36  
2 identified in paragraph 11 of your declaration, 03:13:41  
3 correct? 03:13:43  
4 A Yes. 03:13:43  
5 Q The three people in the WWSO team, where 03:13:44  
6 are they located? 03:13:57  
7 A Two are in San Francisco. I do not know 03:13:58  
8 where the third one is located. 03:14:08  
9 Q Within the ECS team, are there different 03:14:25  
10 teams that work on -- well, let me ask you this. 03:14:30  
11 Is there a separate team that works on 03:14:36  
12 Fargate from the team that works on ECS? 03:14:39  
13 A Yes, there is an ECS engineering org and 03:14:44  
14 there is a Fargate engineering org. 03:14:46  
15 Q Is there a name that you use to refer to 03:14:51  
16 the Fargate engineering org? 03:14:56  
17 A The Fargate team. 03:15:00  
18 Q And about how big is the Fargate team? 03:15:04  
19 A Approximately 80, I believe. 03:15:09  
20 Q And we may have covered this earlier, but 03:15:12  
21 is the EC2 team separate from the ECS team? 03:15:21  
22 A Yes. 03:15:27  
23 Q About how big is the EC2 team? 03:15:28  
24 A I do not know. 03:15:31  
25 Q And is the -- is there an ECS anywhere 03:15:39

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1 will be able to give more information on those if 03:55:12  
2 you want to ask those questions again. 03:55:15  
3 MR. TONG: Okay. 03:55:18  
4 Q Aside from your discussions with counsel, 03:55:29  
5 what did you do to investigate the ECS topics 1 03:55:33  
6 through 5 that you're designated on? 03:55:38  
7 MR. YOUNG: Objection; privilege. 03:55:41  
8 Mats, you can answer to the extent you 03:55:42  
9 don't discuss conversations with counsel. 03:55:44  
10 THE WITNESS: As mentioned before, I talked 03:55:49  
11 to Ellen Sue, one of my directs. 03:55:51  
12 BY MR. TONG: 03:55:57  
13 Q Anything else besides talking to Ellen Sue? 03:55:57  
14 A No specific actions. 03:56:02  
15 Q Topic number 5 is the extent to which 03:56:06  
16 defendants used container software developed by 03:56:10  
17 Docker, Inc.  
18 Does ECS incorporate any code developed by 03:56:18  
19 Docker, Inc.? 03:56:22  
20 MR. YOUNG: Objection; vague. 03:56:23  
21 THE WITNESS: Could you describe a little 03:56:27  
22 bit more what you mean by using Docker? 03:56:29  
23 BY MR. TONG: 03:56:36  
24 Q Is there any code that was written by 03:56:36  
25 Docker, Inc., that is part of the ECS code? 03:56:38

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1           A     From a pure technical perspective, no. If 03:56:50  
2           it's part of ECS, ECS in some cases uses Docker as a 03:56:55  
3           binary. 03:56:59  
4           Q     Is there a particular set of code used as 03:57:08  
5           the binary from Docker? 03:57:12  
6           A     AWS downloads the Docker source code, and 03:57:16  
7           we build it on our own, but it's used by us to 03:57:26  
8           compile binary. 03:57:29  
9           Q     Where does AWS download the Docker source 03:57:35  
10          code from? 03:57:39  
11          MR. YOUNG: Objection; assumes facts. 03:57:41  
12          THE WITNESS: To the best of my knowledge, 03:57:43  
13          the Docker software is available on GitHub. 03:57:47  
14          MR. ANAPOL: And, Peter, I can represent to 03:57:55  
15          you that we're going to produce the source code for 03:57:57  
16          the relevant Docker and Container D versions which 03:57:59  
17          are Version 25 of Docker and Container D, Version 03:58:02  
18          1.7. 03:58:08  
19          MR. TONG: Okay. Thanks. 03:58:09  
20          Q     Do you know which versions of Docker 03:58:11  
21          software have been downloaded by AWS from GitHub? 03:58:16  
22          A     I know recent versions. I don't know all 03:58:21  
23          the versions. 03:58:26  
24          Q     What recent versions? 03:58:30  
25          A     25, 20, and 18, I believe. 03:58:32

1 Q After AWS downloads these versions from 03:58:46  
2 Docker, does AWS modify the source code before 03:58:52  
3 compiling them into binaries? 03:58:56  
4 A Not that I'm aware of. 03:58:58  
5 Q Who on the ECS team would be responsible 03:59:03  
6 for downloading the source code from Docker and 03:59:15  
7 compiling them into binaries? 03:59:20  
8 A It's not done by the ECS team. It's done 03:59:21  
9 by the AWS container runtime team. 03:59:29  
10 THE REPORTER: I'm sorry. It's done by the  
11 what?  
12 THE WITNESS: The AWS container runtime  
13 team.  
14 BY MR. TONG: 03:59:33  
15 Q How big is the AWS container runtime team? 03:59:33  
16 A I don't know exactly. Approximately ten. 03:59:43  
17 Q Do you know who is on the AWS container 03:59:50  
18 runtime team? 03:59:53  
19 A I know the senior software development 03:59:55  
20 manager owns that area. I don't know the names of 03:59:59  
21 the people on the team directly. 04:00:01  
22 Q What's the name of the senior software 04:00:03  
23 development manager that owns that area? 04:00:09  
24 A His name is Neelendra. Don't ask me to 04:00:12  
25 spell his last name. I'm going to have to look it 04:00:18

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1 STATE OF CALIFORNIA )

2 ) ss

3 COUNTY OF ORANGE )

4 I, LINDA NICKERSON, CSR #8746, in and for  
5 the State of California do hereby certify:

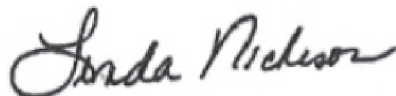
6 That, prior to being examined, the witness  
7 named in the foregoing deposition was by me duly  
8 sworn to testify the truth, the whole truth, and  
9 nothing but the truth;

10 That said deposition was taken down by me in  
11 shorthand at the time and place therein named, and  
12 thereafter reduced to typewritten form at my  
13 direction, and the same is a true, correct, and  
14 complete transcript of the testimony at said  
15 proceedings.

16 Before completion of the deposition, review  
17 of transcript [X] was [ ] was not requested. If  
18 requested, any changes made by the deponent (and  
19 provided to the reporter) during the period allowed  
20 are appended hereto.

21 I further certify that I am not interested  
22 in the event of the action.

23 WITNESS MY HAND this 11th day of September, 2024.

24 

25 LINDA NICKERSON, CSR No. 8746

Jeremy A. Anapol, Esq.

jeremy.anapol@knobbe.com

September 11, 2024

RE: Virtamove, Corp. v. AMAZON.COM, Inc.

9/5/2024, 30(b)(6) Mats Lanner (Job No. 6898113)

The above-referenced transcript has been  
completed by Veritext Legal Solutions and  
review of the transcript is being handled as follows:

\_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext  
to schedule a time to review the original transcript at  
a Veritext office.

\_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF  
Transcript - The witness should review the transcript and  
make any necessary corrections on the errata pages included  
below, notating the page and line number of the corrections.  
The witness should then sign and date the errata and penalty  
of perjury pages and return the completed pages to all  
appearing counsel within the period of time determined at  
the deposition or provided by the Code of Civil Procedure.  
Contact Veritext when the sealed original is required.

\_\_\_ Waiving the CA Code of Civil Procedure per Stipulation of  
Counsel - Original transcript to be released for signature  
as determined at the deposition.

\_\_\_ Signature Waived - Reading & Signature was waived at the  
time of the deposition.

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1     \_X\_ Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF

2           Transcript - The witness should review the transcript and  
3           make any necessary corrections on the errata pages included  
4           below, notating the page and line number of the corrections.  
5           The witness should then sign and date the errata and penalty  
6           of perjury pages and return the completed pages to all  
7           appearing counsel within the period of time determined at  
8           the deposition or provided by the Federal Rules.

9     \_\_ Federal R&S Not Requested - Reading & Signature was not  
10           requested before the completion of the deposition.

11

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## ATTORNEYS EYES ONLY

1 Virtamove, Corp. v. AMAZON.COM, Inc.

2 30(b)(6) Mats Lanner (Job No. 6898113)

3 E R R A T A S H E E T

4 PAGE 13 LINE 9-10 CHANGE \_\_\_\_\_

5 "these two instances" to "EC2 instances"

6 REASON transcription error

7 PAGE 13 LINE 4 CHANGE \_\_\_\_\_

8 "the service" to "a service"

9 REASON to conform to the facts

10 PAGE 13 LINE 16 CHANGE \_\_\_\_\_

11 "reviewed" to "reviewing"

12 REASON to conform to the facts

13 PAGE 22 LINE 7 CHANGE \_\_\_\_\_

14 "surrounds" to "supports"

15 REASON to conform to the facts

16 PAGE 37 LINE 6 CHANGE \_\_\_\_\_

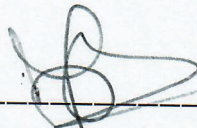
17 "distinct" to "a different"

18 REASON to conform to the facts

19 PAGE 43 LINE 19 CHANGE \_\_\_\_\_

20 "routes" to "runs"

21 REASON to conform to the facts

22   
23 \_\_\_\_\_  
24 (30(b)(6) Mats Lanner)

9/29/24

\_\_\_\_\_  
Date

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ATTORNEYS EYES ONLY

Virtamove, Corp. v. AMAZON.COM, Inc.

30(b)(6) Mats Lanner (Job No. 6898113)

E R R A T A S H E E T

PAGE 65 LINE 16 CHANGE

"container D" to "containerd"

REASON to conform to the facts

PAGE 65 LINE 17 CHANGE

"container D" to "containerd"

REASON to conform to the facts

PAGE 9 LINE 21&22 CHANGE

"Ellen Sue" to "Ellen Hsu"

REASON conform to the facts

PAGE 34 LINE 13 CHANGE

"Ellen Sue" to "Ellen Hsu"

REASON to conform to the facts

PAGE 64 LINE 11 CHANGE

"Ellen Sue" to "Ellen Hsu"

REASON to conform to the facts

PAGE 64 LINE 13 CHANGE

"Ellen Sue" to "Ellen Hsu"

REASON to conform to the facts

(30(b)(6) Mats Lanner)

9/29/24

Date

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